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WILLIAM JOSIAH SCRIVNER

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	) Case No. 2:22-CR-108-TLN
Plaintiff,	)
vs.	) <b>STIPULATION AND ORDER TO VACATE</b>
	) <b>TRIAL DATE AND REQUEST TO SET FOR</b>
WILLIAM JOSIAH SCRIVNER,	) <b>STATUS CONFERENCE</b>
Defendant.	) Judge: Hon. Troy L. Nunley
	)
	)

IT IS HEREBY STIPULATED and agreed by and between United States Attorney Phillip A. Talbert, through Assistant United States Attorneys Adrian Kinsella and Justin Lee, counsel for Plaintiff, and Federal Defender Heather Williams, through Assistant Federal Defender Christina Sinha, counsel for Mr. Scrivner, that **the jury trial, currently set to commence on August 15, 2022, may be vacated** and a status conference may be set for September 15, 2022. The parties specifically state as follows:

- The government filed a complaint against Mr. Scrivner on April 25, 2022, charging him with violating 18 U.S.C. § 922(g)(1). His initial appearance took place on April 28, 2022. His detention hearing was held on May 06, 2022; after considering the parties' arguments, the magistrate judge ordered Mr. Scrivner detained. ECF Nos. 1, 6, 7.
- The government filed a two-count indictment against Mr. Scrivner on May 26, 2022, charging him with violating 21 U.S.C. § 841(a)(1) (possession with intent to distribute methamphetamine) and 18 U.S.C. § 922(g)(1) (felon in possession of a firearm); Mr.

1 Scrivner was arraigned on the indictment on June 01, 2022. ECF Nos. 12, 15.

- 2 ■ Mr. Scrivner invoked his right to a speedy trial, which was set to commence on August  
3 15, 2022. ECF No. 21.
- 4 ■ On July 25, 2022, undersigned defense counsel met with Mr. Scrivner. He relayed that  
5 on Friday, July 22, 2022, at his request, he was seen by jail medical staff and informed  
6 that he has a health condition that defense counsel is concerned may have affected his  
7 decision-making.
- 8 ○ Specifically, defense counsel is concerned that Mr. Scrivner's condition affected  
9 his ability to comprehend prior plea offers, and that it may have adversely  
10 affected his other decisions in this case. Mr. Scrivner relayed that he shares those  
11 concerns, and specifically authorized counsel to share this information with the  
12 government and the Court. Due to HIPAA and other privacy considerations,  
13 defense counsel will request leave to file a memorandum more fully explaining  
14 the situation under seal. However, in the interest of ensuring the parties are not  
15 unnecessarily impacting the Court's trial calendar, and ensuring the government  
16 can release its witnesses from subpoena as soon as possible, the defense will file  
17 this stipulation today and file a memorandum under seal tomorrow that will  
18 provide full details to the Court.
- 19 ○ Defense counsel believes that, once he receives full treatment, Mr. Scrivner will  
20 be able to make knowing decisions in his case.
- 21 ○ Mr. Scrivner has specifically consented to a continuance and authorized a time  
22 exclusion.
- 23 ○ Defense counsel promptly relayed this information to the government, which is  
24 amenable to vacating the trial date.
- 25 ■ Therefore, the defense requests that:
- 26 ○ The trial in this matter be vacated;
- 27 ○ That this matter be set for a status conference on September 15, 2022;
- 28 ○ And that the Court enter a T-4 exclusion.

- Defense counsel represents that she requires additional time to review the discovery, investigate and research possible defenses, research potential pretrial motions, consult with Mr. Scrivner, explore potential resolutions to the case, and otherwise prepare for trial. She believes that failure to grant the requested continuance would deny her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The government does not object to the continuance, and joins the defense in stipulating that the ends of justice served by granting the continuance outweighs the best interest of the public and Mr. Scrivner in a speedy trial, and requests the Court so to find.
- For the purpose of computing time under 18 U.S.C. § 3161 et seq. (Speedy Trial Act), the parties request that the time period between July 25, 2022 and September 15, 2022, inclusive, be deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv) (Local Code T4), because it would result from a continuance granted by the Court at the defense's request, based on a finding that the ends of justice served by granting the continuance outweighs the best interest of the public and Mr. Scrivner in a speedy trial

Respectfully submitted,

HEATHER E. WILLIAMS  
Federal Defender

Date: July 25, 2022

/s/ Christina Sinha  
CHRISTINA SINHA  
Assistant Federal Defender  
Attorneys for Defendant  
WILLIAM JOSIAH SCRIVNER

Date: July 25, 2022

PHILLIP A. TALBERT  
United States Attorney

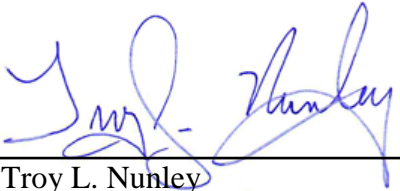
/s/ Adrian Kinsella  
ADRIAN KINSELLA  
JUSTIN LEE  
Assistant United States Attorneys  
Attorneys for Plaintiff

**ORDER**

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order.

IT IS SO ORDERED.

Dated: July 26, 2022

  
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Troy L. Nunley  
United States District Judge